

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

In re: Grand Jury

: MBD NO. 09-10124

AFFIDAVIT

I, Brian T. Kelly, hereby depose and state as follows:

1. I am the Chief of the Public Corruption and Special Prosecutions Unit of the United States Attorneys Office for the District of Massachusetts.
2. I submit this affidavit in accordance with the Court's Order of April 23, 2009.
3. For the reasons stated in the government's Memorandum filed herewith, and in its filings with the Court under seal, I respectfully submit that it is not in the interests of justice for the court to appoint "disinterested private counsel" to investigate any potential criminal or civil contempt charges relating to the April 17, 2009 *Boston Globe* article.
4. The government has inquired, through counsel for the *Boston Globe*, about the sources referred to as "officials." Counsel for the *Boston Globe* (Jonathan M. Albano, Esq.), having inquired of the reporter, has confirmed to me that the "officials" referenced in the article are not covered by Fed.R.Crim.P. 6(e).

  
BRIAN T. KELLY  
Chief, Public Corruption Unit  
Assistant U.S. Attorney

Dated: April 30, 2009